

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1405

Introduced by Hilgert, 7; Aguilar, 35; Baker, 44; Brashear, 4;
Bruning, 3; Byars, 30; Coordsen, 32; Cudaback, 36;
Dickey, 18; Dierks, 40; Engel, 17; Hartnett, 45;
Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Dw.
Pedersen, 39; Preister, 5; Quandahl, 31;
Redfield, 12; Schmitt, 41; Schrock, 38; Smith, 48;
Stuhr, 24; Tyson, 19; Wehrbein, 2

Read first time January 20, 2000

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to abortion; to adopt the Fetal Tissue Research
- 2 Act; and to provide severability.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known
2 and may be cited as the Fetal Tissue Research Act.

3 Sec. 2. For purposes of the Fetal Tissue Research Act:

4 (1) Aborted fetal tissue means human fetal tissue, cells,
5 or organs that are obtained from a living or dead embryo or fetus
6 during or after an induced abortion. Aborted fetal tissue does not
7 include human fetal tissue, cells, or organs that are obtained from
8 a spontaneous abortion or ectopic pregnancy; and

9 (2) Use of aborted fetal tissue means the sale or
10 purchase of aborted fetal tissue or research or treatment,
11 including transplantation, that utilizes aborted fetal tissue. Use
12 of aborted fetal tissue does not include abortion as defined in
13 section 28-326, the removal of aborted fetuses from their mothers,
14 treatment of a living aborted child, autopsies or pathological
15 testing, or research concerning the safety of abortion.

16 Sec. 3. It is unlawful for:

17 (1) Any person employed by this state or any agency or
18 political subdivision thereof, within the scope of his or her
19 employment, to engage or participate in the use of aborted fetal
20 tissue;

21 (2) Any public institution, public facility, public
22 equipment, or physical asset owned, leased, or controlled by this
23 state or any agency or political subdivision thereof to be utilized
24 for the use of aborted fetal tissue; and

25 (3) Any funds received or controlled by this state or any
26 agency or political subdivision thereof, including, but not limited
27 to, funds derived from federal, state, or local taxes and gifts or
28 grants from any source, public or private, to be expended for use

1 of aborted fetal tissue.

2 This section shall not be construed to prohibit use by
3 private entities of physical assets or facilities provided to the
4 public at large, such as utilities and water supply.

5 Sec. 4. It is unlawful for any person to engage or
6 participate in the use of aborted fetal tissue.

7 Sec. 5. The Attorney General may maintain an action in a
8 district court of appropriate jurisdiction against any person or
9 entity who has violated section 3 or 4 of this act to obtain an
10 injunction against future violation of such section or for civil
11 contempt against any person or entity who has intentionally
12 violated an injunction issued in accordance with this section. If
13 judgment is rendered in favor of the Attorney General, the court
14 shall also render judgment for reasonable attorney's fees in favor
15 of the Attorney General against the defendant. If judgment is
16 rendered in favor of the defendant and the court finds that the
17 Attorney General's suit was frivolous and brought in bad faith, the
18 court shall also render judgment for reasonable attorney's fees in
19 favor of the defendant against the Attorney General.

20 Sec. 6. If any section in this act or any part of any
21 section is declared invalid or unconstitutional, the declaration
22 shall not affect the validity or constitutionality of the remaining
23 portions.